

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

**Request for Modifying the Conditions or Term of Supervision with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Matthew Estrada

Case Number: 1:07:CR:295-02

Name of Sentencing Judicial Officer: The Honorable Janet T. Neff
U.S. District Judge

Date of Original Sentence: December 1, 2008

Original Offense: Conspiracy to Distribute and Possess With Intent To Distribute 5 Kilograms or More of Cocaine and 50 Grams or More of Cocaine Base; 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(A)

Original Sentence: 144 months imprisonment and 5 years supervised release. Special Conditions: (1) substance abuse treatment/testing; (2) no alcohol; (3) financial disclosure; (4) no contact with gang members. Special Assessment: \$100.00 (paid). Fine: \$2,940.00 (balance: \$2,324.21)

Type of Supervision: Supervised Release

Date Supervision Commenced: January 26, 2018
Expiration Date: January 25, 2022

PETITIONING THE COURT

To modify the conditions of supervision by adding Special Conditions 6-8:

- 6: You must be monitored by location monitoring technology at the discretion of the U.S. Probation Officer for a period of 90 days. During that time, you must abide by all technology requirements and location monitoring program rules, and pay the cost of participation in the location monitoring program as directed by the U.S. Probation Office.

The location monitoring technology must be utilized to monitor the following restriction on the offender's movement in the community as well as other court-imposed conditions of release:

() Curfew: You are restricted to your residence every day from _____ to _____, or as directed by the U.S. Probation Officer.

() Home Detention: You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the U.S. Probation Officer.

() Home Incarceration: You are restricted to your residence at all times except for medical necessities and court appearances or other activities specifically approved by the Court.

(X) Location Monitoring (Stand Alone Monitoring)

The cost of location monitoring is based on the selected monitoring technology and subject to change depending on vendor availability, services rendered, and contracts negotiated and selected by the Administrative Office of the U.S. Courts.

- 7: You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

- 8: You must have no contact with Nicole Estrada without the prior approval of the probation office.

CAUSE

On August 1, 2018, the Grand Rapids, Michigan, Police Department (Grand Rapids PD) responded to report of an assault made by a nurse at Butterworth Hospital, Grand Rapids. The nurse told police officers that Nicole Estrada reported her brother, later discovered to be Matthew Estrada, punched her several times in the face.

A police officer interviewed Ms. Estrada, who was very reluctant to provide information. Ms. Estrada stated Mr. Estrada punched her face and the side of her head. She reported he pushed her to the floor and continued to hit and punch her head and face. Ms. Estrada stated she feared for her safety, and her mother's safety, due to her brother's violent behavior at the residence. She reported she was very reluctant to pursue charges since it would upset her family.

On August 2, 2018, this officer spoke with Ms. Estrada. She again reported Mr. Estrada punched her several times and knocked her to the ground. She stated she did not want to pursue further criminal charges.

Grand Rapids PD is investigating the situation to determine if charges will be filed against Mr. Estrada. This officer spoke with Mr. Estrada on August 6, 2018. He stated he did not want to speak about the incident, due to the pending investigation. Mr. Estrada stated he acted in self-defense. He was directed

to have no contact with Ms. Estrada. Mr. Estrada moved out of the residence, as instructed, and has been told he may not return to that residence without prior approval from the probation office.

It is respectfully recommended Mr. Estrada's conditions of supervised release be modified to include 90 days of stand alone location monitoring. Mr. Estrada's movements will not be restricted aside from going to his sister's residence while the matter is investigated. It is also recommended a condition stating he cannot have contact with Nicole Estrada be added, as well as a search condition, to help the probation office enforce the no contact requirement. Mr. Estrada was told that these conditions are being recommended to help ensure the safety of the victim during the investigation. If Mr. Estrada is convicted of criminal conduct, the Court will be notified, and further action may be requested. Mr. Estrada agrees with the added conditions, and stated he believes it will help protect him from any false allegations.

Previous Violations

- **January 26, 2018:** Revocation of supervised release based on the offender's commission of a new crime of Aggravated Assault. Court ordered "Time Served" followed by 48 months supervised release. Special conditions: (1) financial disclosure; (2) substance abuse treatment/testing; (3) no alcohol; (4) no contact with gang members; (5) cognitive behavioral treatment.

U.S. Probation Officer Action:

The offender agreed to the proposed modification and executed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release, which is attached for the Court's review.

Approved,

Respectfully submitted,

by /s/ Joshua J. Hechtman
Joshua J. Hechtman
Supervisory U.S. Probation Officer
Date: August 6, 2018

by /s/ Ashley M. Towner
Ashley M. Towner
U.S. Probation Officer
Date: August 6, 2018

Matthew Estrada

1:07:CR:295-02

THE COURT ORDERS:

- ☐ No Action
☒ The Modification of Conditions as Noted Above
☐ Other

/s/ Janet T. Neff

The Honorable Janet T. Neff
U.S. District Judge

August 7, 2018

Date

PROB 49

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF MICHIGAN

Matthew Estrada

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision by adding Special Conditions Numbers 6-8 to read as follows:

- 6: You must be monitored by location monitoring technology at the discretion of the U.S. Probation Officer for a period of 90 days. During that time, you must abide by all technology requirements and location monitoring program rules, and pay the cost of participation in the location monitoring program as directed by the U.S. Probation Office.

The location monitoring technology must be utilized to monitor the following restriction on the offender's movement in the community as well as other court-imposed conditions of release:

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() Home Detention: You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the U.S. Probation Officer.

() Home Incarceration: You are restricted to your residence at all times except for medical necessities and court appearances or other activities specifically approved by the Court.

(X) Location Monitoring (Stand Alone without location restriction)

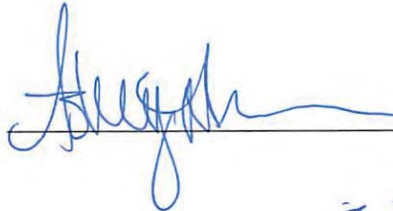
The cost of location monitoring is based on the selected monitoring technology and subject to change depending on vendor availability, services rendered, and contracts negotiated and selected by the Administrative Office of the U.S. Courts.

- 7: You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

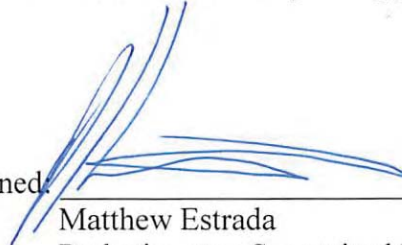
The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

- 8: You must have no contact with Nicole Estrada without the prior approval of the probation office.

Witness:



Signed:



Matthew Estrada
Probationer or Supervised Releasee

8.6.18

DATE